

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ABDOULAYE-KONATE,
Petitioner,

v.

DHS/ICE, *et al.*,
Respondents.

Case No. 1:16-cv-934

Barrett, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

On September 19, 2016, petitioner, a prisoner currently at the Butler County Jail in Hamilton, Ohio, filed a motion for leave to proceed *in forma pauperis* in connection with a pro se pleading entitled “Petition For Writ of Coram Nobis.” (Doc. 1). On October 7, 2016, the undersigned issued an Order for petitioner to show cause within thirty (30) days why the action should not be dismissed for lack of jurisdiction. (Doc. 2).

Petitioner filed a motion for an extension of time to respond to the Court’s Order on October 28, 2016. (Doc. 3). Petitioner was granted until November 22, 2016 to respond to the Court’s October 7, 2016 Order. (Doc. 5). Petitioner was advised that failure to comply with the Order would result in the dismissal of this case for want of prosecution.

Petitioner has failed to respond to the Court’s Order by November 22, 2016.


District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). Failure of a party to respond to an order of the Court warrants invocation of the Court’s inherent power in this federal habeas corpus proceeding. *See* Fed. R. Civ. P. 41(b); *see also* Rule 11, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

Accordingly, because petitioner has failed to respond to the Court's October 7, 2016 Order to show cause why this matter should not be dismissed for lack of jurisdiction, this case (Doc. 1) should be **DISMISSED** for lack of prosecution.

In the absence of any response by petitioner, it also appears from the face of the petition that this action should be **DISMISSED** for lack of jurisdiction for the reasons stated in the Court's October 7, 2016 Order. (*See* Doc. 2).

IT IS SO RECOMMENDED.

Date: 11/29/16



Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).